

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1329 be amended to read as follows:

- 1 Page 9, between lines 41 and 42, begin a new paragraph and insert:  
2 "SECTION 6. IC 35-45-4-5, AS AMENDED BY P.L.7-2005,  
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2008]: Sec. 5. **(a) As used in this section, "nudity" means**  
5 **the showing of the human male or female genitals, pubic area, or**  
6 **buttocks.**  
7 **(b) As used in this section, "peep" means any looking that is of**  
8 **a clandestine, surreptitious, prying, or secretive nature.**  
9 **(c) As used in this section, "photograph" means photographing,**  
10 **filming, videotaping, or creating a digitized image. The term**  
11 **includes using a cellular telephone, a camera, a video camera, or**  
12 **any other type of video recording device to create an image.**  
13 **(d) A person:**  
14 **(1) who:**  
15 **(A) peeps; or**  
16 **(B) goes upon the land of another with the intent to peep;**  
17 **into an occupied dwelling of another person; or**  
18 **(2) who peeps into an area where an occupant of the area**  
19 **reasonably can be expected to disrobe, including:**  
20 **(A) restrooms;**  
21 **(B) baths;**  
22 **(C) showers; and**  
23 **(D) dressing rooms;**  
24 **without the consent of the other person, commits voyeurism, a Class B**

1 misdemeanor.

2 ~~(b)~~ (e) However, the offense under subsection ~~(a)~~ (d) is a Class D  
3 felony if:

4 (1) it is knowingly or intentionally committed by means of a  
5 camera, a video camera, or any other type of video recording  
6 device; or

7 (2) the person who commits the offense has a prior unrelated  
8 conviction:

9 (A) under this section; or

10 (B) in another jurisdiction, including a military court, for an  
11 offense that is substantially similar to an offense described in  
12 this section.

13 ~~(c) "Peep" means any looking of a clandestine, surreptitious, prying,~~  
14 ~~or secretive nature.~~

15 **(f) This subsection does not apply to a person who photographs**  
16 **a person who consents to be photographed. A person who:**

17 **(1) knowingly or intentionally photographs a person who:**

18 **(A) is in an area in which an occupant of the area**  
19 **reasonably can be expected to disrobe, including:**

20 **(i) restrooms;**

21 **(ii) baths;**

22 **(iii) showers; and**

23 **(iv) dressing rooms; and**

24 **(B) is in a state of nudity; and**

25 **(2) knowingly or intentionally:**

26 **(A) fails to destroy the image that was photographed;**

27 **(B) shows the image that was photographed to another**  
28 **person;**

29 **(C) publishes the image that was photographed; or**

30 **(D) makes the image that was photographed available on**  
31 **the Internet;**

32 **after the person who is photographed asks the person to**

- 1 **destroy the image or to not show the image to another person;**
- 2 **commits photographic voyeurism, a Class A misdemeanor."**
- 3 Page 10, line 1, delete "applies" and insert "**and IC 35-45-4-5, as**
- 4 **amended by this act, apply**".
- 5 Renumber all SECTIONS consecutively.  
(Reference is to HB 1329 as printed January 23, 2008.)

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Representative Cherry